

FEDERAL COMMUNICATIONS COMMISSION

In re)	MM DOCKET No.: 97-122
)	
GERARD A. TURRO)	File No.: BRFT-970128YC
)	
For Renewal of License)	File No.: BRFT-970129YD
For FM Translator Stations)	
W276Q(FM), Fort Lee, NJ,)	
and W232AL(FM), Pomona, NY)	
)	
MONTICELLO MOUNTAINTOP)	
BROADCASTING, INC.)	
Order to Show Cause Why the)	
Construction Permit for FM)	
Radio Station WJUX(FM),)	
Monticello, NY,)	
Should Not Be Revoked)	

Volume VIII

Pages: 904 through 1080

Place: Washington, D.C.

Date: December 5, 1997

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
(202) 628-4888

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re)	MM DOCKET No.: 97-122
)	
GERARD A. TURRO)	File No.: BRFT-970128YC
)	
For Renewal of License)	File No.: BRFT-970129YD
For FM Translator Stations)	
W276Q(FM), Fort Lee, NJ,)	
and W232AL(FM), Pomona, NY)	
)	
MONTICELLO MOUNTAINTOP)	
BROADCASTING, INC.)	
Order to Show Cause Why the)	
Construction Permit for FM)	
Radio Station WJUX(FM),)	
Monticello, NY,)	
Should Not Be Revoked)	

Suite 201
FCC Building
2000 L Street, N.W.
Washington, D.C. 20554

Thursday,
December 4, 1997

The parties met, pursuant to the notice of the
Judge, at 9:30 a.m.

BEFORE: HON. Arthur I. Steinberg
Administrative Law Judge

APPEARANCES:

On behalf of Gerard A. Turro:

CHARLES R. NAFTALIN, ESQ.
Koteen & Naftalin, L.L.P.
1550 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 467-5700

Heritage Reporting Corporation
(202) 628-4888

APPEARANCES: (Cont'd)On behalf of Monticello Mountaintop Broadcasting, Inc.:

JAMES P. RILEY, ESQ.
Fletcher, Heald & Hildreth, P.C.
11th Floor, 1300 North 17th Street
Rosslyn, Virginia 22209
(703) 812-0450

On behalf of Federal Communications Commission:

ALAN E. ARONOWITZ, ESQ.
SUZAN B. FRIEDMAN, ESQ.
Federal Communications Commission
Mass Media Bureau
Enforcement Division
2025 M Street, N.W., Room 8210
Washington, D.C. 20554
(202) 418-1430

On behalf of Universal Broadcasting of New York, Inc.:

RICHARD A. HELMICK, ESQ.
Cohn and Marks
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 452-4831

On behalf of Eugene Blabey:

KATHRYN R. SCHMELTZER, ESQ.
Fisher, Wayland, Cooper, Leader & Zaragoza, LLP
2001 Pennsylvania Avenue, NW
Suite 400
Washington, D.C. 20006-1851
(202) 775-3547

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Eugene H. Blabey	909	1000	1021		
Howard Warshaw	1040	1067	1075		
Examination by Judge:					

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Name of Party:</u>			
<u>Mass Media Bureau:</u>			
38		989	
39	922	989	
<u>Monticello Mountaintop:</u>			
8	1002	1003	
9	1006	1008	

Hearing Began: 9:30 a.m.	Hearing Ended: 3:30 p.m.
Recess Began: 12:15 p.m.	Recess Ended: 1:15 p.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: We are on the record now. I
3 believe the next witness is Mr. Blabey.

4 MR. ARONOWITZ: Yes, Your Honor.

5 JUDGE STEINBERG: Let me note that Mr. Blabey is
6 represented by his own counsel, and would you please enter
7 an appearance?

8 MS. SCHMELTZER: Kathryn Schmeltzer, Fisher,
9 Wayland, Cooper, Leader & Zaragoza.

10 JUDGE STEINBERG: Mr. Blabey, why don't you come
11 up here and take the stand.
12 Whereupon,

13 EUGENE H. BLABEY
14 having been first duly sworn, was called as a witness herein
15 and was examined and testified as follows:

16 JUDGE STEINBERG: Please be seated, and state your
17 name and address.

18 THE WITNESS: My name is Eugene H. Blabey.
19 B-L-A-B-E-Y. My address is P.O. Box 92, Forestburgh, New
20 York. F-O-R-E-S-T-B-U-R-G-H. 12777.

21 JUDGE STEINBERG: And you are appearing today
22 pursuant to a subpoena?

23 THE WITNESS: That is correct.

24 JUDGE STEINBERG: Let me just note, before we
25 start, state that under 1.27, a witness who is appearing

1 pursuant to a subpoena has a right to be accompanied by
2 their counsel. And if, at any time, you need to consult
3 with Ms. Schmeltzer, feel free to do so.

4 Ms. Schmeltzer, you can raise objections to
5 questions, and state the basis of the objections. At the
6 conclusion of the examination by all counsel, you may ask
7 any clarifying questions that you think need asking with my
8 permission.

9 Now, that we have those ground rules established,
10 who will be questioning Mr. Blabey?

11 MR. ARONOWITZ: Alan Aronowitz for the Bureau.

12 JUDGE STEINBERG: Okay. And you will be going
13 first?

14 MR. ARONOWITZ: Yes.

15 JUDGE STEINBERG: Okay. Why don't you proceed?

16 MR. ARONOWITZ: As a preliminary matter, Your
17 Honor, we have had testimony thus far has been received with
18 regard to Mr. Blabey's position as the General Manager of
19 WJUX, formerly WXTM. And I will be asking Mr. Blabey about
20 that. In addition, Mr. Blabey is associated, and we will
21 develop that with MMER. Accordingly, I request the Bureau
22 be permitted to treat the witness as an adverse, but not
23 hostile, witness. And just be permitted some leeway with
24 respect to the use of leading questions.

25 JUDGE STEINBERG: You can lead.

1 DIRECT EXAMINATION

2 BY MR. ARONOWITZ:

3 Q Good morning, Mr. Blabey.

4 A Good morning.

5 Q I am Alan Aronowitz. We have spoken before.

6 A We have met, yes.

7 Q You know the ground rules?

8 A Yes, I do.

9 Q For breaks, rest, anything, please just let me
10 know. Any confusion, let me know. There are plenty of
11 lawyers around, I am sure you can find a good one.

12 JUDGE STEINBERG: I think he has one.

13 THE WITNESS: I think I have. Yes. Thank you,
14 Judge.

15 MR. ARONOWITZ: Record reflecting minimal humor
16 this morning. But humor, nonetheless.

17 BY MR. ARONOWITZ:

18 Q I would just like to ask you a couple of
19 preliminaries, just to set a frame of reference.

20 From our discussions before, you know that I will
21 be referring to WJUX or WJXTM in references to the facility
22 in Monticello, and also about WVOS. And you know we will be
23 talking about Jukebox Radio.

24 So, I will start by asking you, are you a
25 principle of the licensee of WVOS?

1 A That is correct.

2 Q And the licensee is?

3 A The licensee is Mountain Broadcasting Corporation.

4 Q Do you have any other broadcast interests?

5 A Not at this time.

6 Q Do you have a position with WVOS, in addition as a
7 principle of the licensee?

8 A Well, I own it with my wife, who is the President.

9 Q Absolutely.

10 A I am the Secretary-Treasurer of the corporation.

11 Q And operationally, if you will, you are the
12 General Manager?

13 A Yes.

14 Q You are also the General Manager of WJUX?

15 A Yes.

16 Q Are you an employee of WJUX?

17 A No.

18 Q What do you perceive your status to be?

19 A I have an agreement, which I think you have seen,
20 and is part of the record, which is a Consultancy Agreement
21 to consult with the owner of Monticello Mountaintop
22 Broadcasting, Mr. Weis, on broadcast management matters.

23 Q In your mind, briefly, what is the difference
24 between a consultant and an employee?

25 A A consultant is paid on a basis of a 1099. An

1 employee is paid on the basis of a W-2, and is a different
2 tax status as you know -- or as you may know. No Social
3 Security -- SSAN contributions, disability are taken from
4 consultants. You pay them on your own taxes. A consultant
5 can work for other properties and cannot -- I mean, there
6 are a group of IRS tests for -- I think there's 16 tests as
7 to whether you're an employee or a consultant. And I
8 believe that we meet those tests as far as the IRS is
9 concerned.

10 Q So, are you suggesting it is really a financial
11 distinction? I withdraw that.

12 A For me, very much a financial and tax distinction.

13 Q Okay. Thank you. Now, you also said that you are
14 the General Manager of WJUX. Could you briefly describe
15 your duties as General Manager?

16 A Of WJUX?

17 Q Of WJUX.

18 A Yes.

19 Q Excuse me. I really need to be more specific.
20 Let's try that again.

21 A Okay.

22 Q Maybe before we do this, if you could just
23 enlighten us just briefly on the market, so we know what we
24 are talking about.

25 A Okay.

1 Q WVOS is in what radio market?

2 A It is not designated by Arbitron, if you're
3 talking about the designation of a market, as a market. It
4 is what Arbitron would call a non-metro area, and it is a
5 non-rated market.

6 Sullivan County, though, is a county of
7 approximately 70,000 people. It's about the same land area
8 as Rhode Island. It is a rural and relatively poor section
9 of the southern tier of New York. There are two principle
10 villages, which are located in the center of the county.
11 One is Monticello that has a population of about 7,000. And
12 the other is Liberty, which has a population of about 5,000.
13 They are approximately ten miles apart.

14 There are several other smaller villages.
15 Populations 600, 400, et cetera and down. I think the
16 smallest village is 230.

17 The county is a resort driven economy. It has,
18 for many years, been a second home community for people from
19 the New York metropolitan area. And if you're familiar with
20 the New York area, they used to call it the Borsht (sic)
21 Belt. B-O-R-S-H-T (sic) Belt, where the resort hotels
22 catered to a predominantly Jewish population, with kosher
23 food. The comedians, you know, Eddie Cantor and Milton
24 Berle and Georgie Jessell and Jerry Lewis, Woody Allen, they
25 all started in the Borsht (sic) Belt circuit.

1 It is in decline. And the big hotels, like
2 Grossingers and the Concord and Brown's, where Jerry Lewis
3 started -- Grossinger is where Eddie Fisher got married.
4 They're either bankrupt or closed. And the county has come
5 on hard times. So, the market is rural, resort-based
6 economy.

7 The second industry is agriculture. And forestry
8 is another significant industry. And Government.
9 Government is always a big industry, especially where you
10 don't have any other kind of productive employment. You
11 work for the Government.

12 MR. ARONOWITZ: Now, hold it, I think I am going
13 to object.

14 (Laughter.)

15 THE WITNESS: And the prison system.

16 MR. ARONOWITZ: Now, I am going to object again.

17 (Laughter.)

18 THE WITNESS: That's a big factor in our economy.

19 MR. ARONOWITZ: I am only joking.

20 THE WITNESS: You know, I'm not joking. The
21 Government is a big factor in our economy, and we're happy
22 to have them, because Government money is good money.

23 MR. ARONOWITZ: I hope so.

24 THE WITNESS: The Government doesn't go bankrupt.

25 MR. ARONOWITZ: I hope so.

1 BY MR. ARONOWITZ:

2 Q In your capacity as General Manager of WJUX, can
3 you just briefly tell us what your day involves, or how that
4 plays out?

5 A Wes Weis, who owns WJUX or Monticello Mountaintop
6 Broadcasting lives in New Jersey. He's not a part of that
7 community -- part of the Sullivan County community. I am.
8 I represent the community to Wes. And we discuss the
9 economy. We discuss what's going on. I represent Wes to
10 the community.

11 I'm a past president of the Chamber of Commerce.
12 Monticello Mountaintop, as well as WVOS, are members of the
13 Chamber. I'm on the Emergency Communications Committee of
14 the FCC for planning for the emergency messages. I'm the
15 local Emergency Planning Commission, both representing WVOS.
16 So, I represent them in the community. I represent the
17 community to Wes.

18 I also have suggested and recruited employees for
19 the station.

20 Q On a routine basis?

21 A Well, routine if you consider -- no. Not routine
22 in the sense that all of the employees that we have hired
23 have been suggested, with the one exception of Alan
24 Kirschner, have been suggested to Wes by me.

25 Q I will explore that with you, but I am more

1 concerned just on the daily routine, the average day.

2 A Okay. Well, I answer the phone. I go through the
3 mail. I handle inquiries or do those that I can handle
4 myself, I handle myself. Those that need Wes to --
5 generally involving some financial matter, I send on to Old
6 Tappan, New Jersey, where he lives, or fax down to his
7 office in New Jersey. And I have, as I said, been --
8 organized certain programming and made decisions.

9 Q We will get to all that. I am more concerned
10 about the daily thing.

11 A You asked me what I did.

12 Q Believe me, I appreciate that, and I will be
13 exploring that.

14 A Okay.

15 Q On any kind of daily basis, do you have any
16 contact with the Jukebox Radio Network?

17 A No.

18 Q I will not say daily, but along with calls and
19 mail and so on, are there occasions that you might be in
20 touch with the Jukebox Radio Network?

21 A Of course.

22 Q Given that you are also the General Manager for
23 WVOS, do these activities that you do for WJUX, on a daily
24 basis or routine basis, take a lot of your daily time?

25 A No.

1 Q Okay. Where is the WVOS main studio located?

2 A It's located on Old Route 17 in Ferndale, New York
3 12734.

4 Q Is WVOS licensed to Ferndale or another community?

5 A No. WVOS is licensed to Liberty.

6 Q To Liberty?

7 A Ferndale is -- The village line runs down the
8 middle of the street. And we're on the Ferndale side of the
9 village line. Across the street, looking out my window, is
10 the village. I mean, we're within 15 feet from the village.

11 Q Great. And Monticello?

12 A Monticello's ten or eleven miles away.

13 Q These are all the same?

14 A Right.

15 Q When you were talking about the radio market
16 before, these are all members of the radio market?

17 A The transmitter is located in the town of Liberty
18 midway -- not quite midway, but about midway between
19 Monticello and Liberty. So, the transmitter to the studio
20 happens to be in Liberty. But both VOS and JUX put primary
21 contours through both villages.

22 Q And the Old Route 17 Building -- Is that a
23 building?

24 A Yes.

25 Q Is it an office building?

1 A No. It's a two-story -- It's actually purpose
2 built after a fire, as a radio studio.

3 Q Okay. Does that Old Route 17 also serve as the
4 designated main studio for WJUX?

5 A That is correct.

6 Q Is WJUX a tenant of yours?

7 A Yes.

8 Q In fact, I understand that WJUX relocated to
9 another part of the building, or is about to relocate to
10 another part of the building?

11 A No. They have done so. They moved to a corner of
12 my basement that was being used to store old files.

13 Q Is it an addition?

14 A No. They just moved downstairs.

15 Q When we will be talking later about the WJUX main
16 studio as it existed in 1995, it is not where they are now?

17 A It was on the first floor, and now on the ground
18 floor.

19 Q Is it a different or same kind of space?

20 A Same kind of facility.

21 Q Any difference between the two of any material
22 nature? Newer equipment? Newer anything?

23 A No, I don't think so. I haven't looked at -- The
24 equipment is about the same. My equipment is second-hand.
25 This is small market radio.

1 Q But you are in separate quarters?

2 A Yes.

3 Q When I say separate quarters, I am referring to
4 1995. Were there separate quarters for WJUX main studio and
5 WVOX main studio?

6 A Yes. The WVOX main studio was at one end of the
7 hall. The WJUX studio was at the other end of the hall.
8 The newsroom was in the middle. The hall is not that long.

9 Q The newsroom for WVOX?

10 A The newsroom for WVOX.

11 Q Was there any spot where WVOX, in the main studio
12 at Old Route 17, where the two stations shared common areas,
13 broadcasting wise? I am not talking office space. Just
14 studio space.

15 A We do, and did and continue to. I mean, if I need
16 a tape recorder, and mine are fully engaged, I'm going to
17 use his.

18 Q That is certainly fair. But is the equipment
19 commingled? When you say you use theirs, would you go to
20 another room to use their equipment, or did you somehow have
21 shared equipment?

22 A We had shared equipment.

23 Q Such as?

24 A Tape recorder or you know --

25 Q Did you have shared studio equipment?

1 A Yes. Sure.

2 Q Such as?

3 A Microphone, tape recorder, whatever you need. Why
4 buy two when there's one sitting idle?

5 Q Works for me. Now, I think you just suggested
6 Monticello and Liberty, the communities where the two
7 stations are located, are considered generally to be the
8 same radio market. Is that correct?

9 A Yes. That is correct.

10 Q In that sense, did the two stations compete?

11 A Yes, I would say they compete.

12 Q In what areas?

13 A For listeners.

14 Q For listeners.

15 A The competition -- The demographics of the WJUX
16 target market is 55 plus. I mean, they play music like the
17 Andrew Sisters and Dick Haymes and you know, Mares East
18 Oats. I run a contemporary country music station. I would
19 say that there's probably not a lot of overlap between the
20 Shania Twain listener and the Andrew Sisters listener.
21 There may be some. But when I say we compete --

22 JUDGE STEINBERG: I am one of them.

23 THE WITNESS: You're a Shania Twain --

24 JUDGE STEINBERG: Both.

25 THE WITNESS: Okay. So, the Judge has said that

1 there are people who have a wide spectrum, but I don't think
2 we compete for the same core audience.

3 JUDGE STEINBERG: I would have a rough time if I
4 lived up there.

5 MR. ARONOWITZ: Who says we can't bring names into
6 these proceedings? We have had some pretty good ones, I
7 want to tell you.

8 BY MR. ARONOWITZ:

9 Q But you compete for listeners. Do you compete for
10 advertisers?

11 A Yes.

12 Q Have you competed for advertisers?

13 A I have attempted to set -- Well, let me -- I have,
14 as you know, a proposition that allows me to sell time on
15 WJUX. I have made joint proposals. I have not been
16 successful until -- I've not been successful in the
17 commercial market, although we have sold -- not on joint
18 proposals, but we have sold political time. I have sold
19 political time on JUX and on WVOS to the same candidates.
20 But I -- JUX does not rank in the Arbitron listings in
21 Sullivan County, which is, as I said, a non-rated market.
22 But it does show in the county Arbitrons.

23 WJUX does not have a significant audience share.
24 It is a very difficult sell. WVOS has been around for 50
25 years. We are listed by Arbitron, at least, as the number

1 one station in the community. And in the spring books, we
2 had twice the listeners of the second -- twice the audience
3 of the second station in the community. And JUX was not
4 even in the top four.

5 Now, this is a small community. Generally, a lot
6 of business will only go to the top station or the top and
7 the second station. So, JUX is a difficult sell.

8 Q When you said you made joint proposals, is that to
9 sell time on WJUX and WVOS?

10 A Yes. In other words, Wes and I talked about how
11 we would relate in terms of advertising. You know, that's
12 an issue that I thought about, because I'm not all that
13 interested in losing, either audience or advertising
14 dollars, to a station that I have no financial interest in.

15 On the other hand, it occurred to me, and Wes
16 thought this, that there are -- there may be a possibility
17 whereby by being able to sell JUX and their segment of the
18 audience with my segment of the audience, as a combined buy,
19 that I might have some synergies there, that might get me a
20 buy that I wouldn't otherwise get. I still think that that
21 is true.

22 And I think, at some point, there will be some car
23 dealer or somebody -- For example, the hospital. They have
24 interest in an older demographic. And the idea of putting a
25 package together which would involve some spots on VOS and

1 some spots on JUX, I thought made an attractive package.
2 Selma Field, who buys for the hospital disagreed, even
3 though she's a JUX listener.

4 Q Did you ever make these presentations for WJUX,
5 exclusively?

6 A No. I haven't. I could.

7 MR. ARONOWITZ: May I approach the witness with a
8 document?

9 JUDGE STEINBERG: Sure.

10 BY MR. ARONOWITZ:

11 Q I would like to identify for the record as Mass
12 Media Bureau Exhibit 39. And I would represent, and then we
13 can seek verification on a one-page document entitled,
14 "Jukebox Radio Advertising Rate Spec of February 1, 1995."
15 I represent that this item was disclosed by Mr. Blabey at
16 the time of his deposition.

17 A Okay.

18 JUDGE STEINBERG: The document described will be
19 marked for identification as Mass Media Bureau Exhibit 39.

20 (The document referred to was
21 marked for identification as
22 Mass Media Bureau Exhibit 39.)

23 BY MR. ARONOWITZ:

24 Q Mr. Blabey, is this, in fact, the document you
25 brought on the day of your deposition?

1 A Yes.

2 Q This document suggests that this was the rate card
3 for Jukebox Radio 99.7 effective February 1, 1995. In the
4 corner logo, where it says, "Sullivan County 99.7 FM", I am
5 assuming that 99.7 is WJUX?

6 A That's correct.

7 Q So this is --

8 A I think at the time it was XTM, but it is not
9 WJUX.

10 Q You are absolutely correct. Is this the local
11 rates, if one were to buy an ad on WJUX Monticello?

12 A Yes.

13 Q As opposed to the Jukebox Radio Network?

14 A That is correct.

15 Q Was this rate card ever used?

16 A Yes.

17 Q Ads were sold using this rate card?

18 A Yes. Political time was sold. It happens to be
19 the lowest unit rate.

20 Q The lowest unit rate for what?

21 A For political times.

22 Q But it is WJUX's lowest unit rate?

23 A WJUX's lower and only.

24 Q It is also their highest rate.

25 A It's also their highest rate.

1 Q I felt some need to say that. I do not know why.

2 But these were for political ads that were sold?

3 A Yes.

4 Q When the ads at this rate, were the ads originated
5 from WJUX, or were they originated on the Network?

6 A They were originated from WJUX. This has nothing
7 to do with the Network. This was WJUX.

8 Q So, these actually were played and aired on WJUX
9 locally?

10 A Yes.

11 Q Were these sent to Dumont for inclusion in the
12 Network?

13 A No.

14 Q Excuse me. Do you know when WJUX first went on
15 the air?

16 A October -- I don't know the exact date. October,
17 early November of '94. I think. I can't tell you the exact
18 date.

19 Q So, were there political ads that were sold using
20 these rates between October 1994 and October 1995?

21 A Between October 1994 and October 1995 -- No.

22 Q So, when you said the political ads were sold
23 using these rates, what general time frame were you
24 referring to?

25 A Recently and after '95. I had no -- We did not

1 even have -- This rate card was presented to me. I did not
2 make this rate card up.

3 JUDGE STEINBERG: That is Mass Media Bureau 39.

4 THE WITNESS: Okay.

5 JUDGE STEINBERG: Who made it up?

6 THE WITNESS: Wes, I believe.

7 JUDGE STEINBERG: While we are on this, I am going
8 to show the witness a copy of what is in the record as Page
9 74, which is Mass Media Bureau 2. My copy is a clean copy.
10 And ask if you know what that is.

11 THE WITNESS: I have never seen this before,
12 but --

13 JUDGE STEINBERG: Okay. That is all.

14 THE WITNESS: I have never seen it before.

15 JUDGE STEINBERG: Okay. Show him 74 again?

16 MR. ARONOWITZ: Only if it convenient to you.

17 JUDGE STEINBERG: Well, he has never seen it.

18 THE WITNESS: I'm interested. I'm curious. You'd
19 never get that rate in Sullivan County. I have a hard time
20 getting \$10.50 a spot on the number one station.

21 MR. ARONOWITZ: Thank you.

22 JUDGE STEINBERG: This does not mean that they got
23 it.

24 THE WITNESS: No.

25

1 BY MR. ARONOWITZ:

2 Q Are you suggesting that if you tried to sell ads
3 at that rate, it would be difficult?

4 MR. RILEY: At which rate, Your Honor?

5 MR. ARONOWITZ: At the rate reflected at the
6 Jukebox Radio Advertising Rates --

7 JUDGE STEINBERG: Page 74.

8 MR. ARONOWITZ: Page 74, effective November 1,
9 1994.

10 THE WITNESS: Apparently, that is a Network rate
11 card. And it bears no economic relation to rates that one
12 could get in Sullivan County.

13 JUDGE STEINBERG: Is it also true that rate card
14 rates are "negotiable?"

15 THE WITNESS: In the business, absolutely.

16 JUDGE STEINBERG: Sort of like a car sticker?

17 BY MR. ARONOWITZ:

18 Q In fact, the logo in the corner where it says,
19 "Jukebox Radio", it says "Bergen County FM 103.1." So, we
20 will assume that that is not WJUX.

21 A That is not.

22 Q To your understanding, what is that?

23 A Look, I presume that that is the rate that the
24 Network is charging for the spots that run on the Network.
25 It says Bergen County as 101. It is a rate which bears no

1 relation to what anybody could get in Sullivan County.

2 Q And it says up in the corner --

3 A Or it comes close to negotiation. This is a small
4 market, where you're dealing with little Mom and Pop pizza
5 parlors and things like that. You know, it's not germane to
6 Sullivan County.

7 MR. ARONOWITZ: May I approach the witness again?

8 JUDGE STEINBERG: Yes. You do not have to ask me.

9 MR. ARONOWITZ: Okay.

10 JUDGE STEINBERG: Just as long as the Reporter can
11 hear you.

12 MR. ARONOWITZ: I am now going to put in front of
13 the witness Mass Media Bureau Exhibit 35. Bates stamp 699.

14 BY MR. ARONOWITZ:

15 Q I am just going to ask the witness to read it to
16 himself.

17 A Okay.

18 Q Mr. Blabey, could you read that aloud?

19 A It says -- It's dated September 25, 1995. "WJUX
20 FM Liberty Monticello is not accepting political orders" --
21 it's misspelled orders, O-D-E-R-S -- "until further notice.
22 Eugene Blabey, General Manager."

23 Q Whose decision was this?

24 A Wes Weis.

25 Q He conferred that decision to you?